

ESTTA Tracking number: **ESTTA1033569**

Filing date: **02/04/2020**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

**Petitioner Information**

Name	Piper and Dune LLC		
Entity	Partnership	Citizenship	New Haven
Composed Of:	Christine Curtis Matthew S Curtis		
Address	55 Rocky Mountain Rd Southbury, CT 06488 UNITED STATES		

Correspondence information	Nyall Engfield Attorney Piper and Dune LLC 16950 Via de Santa Fe 5060-107 Rancho Santa Fe, CA 92011 UNITED STATES Nyall@trademarkraft.com 760 234 1231
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**Registration Subject to Cancellation**

Registration No.	1177304	Registration date	11/10/1981
Registrant	ONEIDA LTD. 200 South Civic Center Drive, Suite 700 Columbus, OH 43215 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 021. First Use: 1978/09/00 First Use In Commerce: 1978/09/00 All goods and services in the class are subject to cancellation, namely: Ceramic Products Used for Food Service-Namely, Cups, Plates, Dishes, Bowls and Mugs
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**Grounds for Cancellation**

Abandonment	Trademark Act Section 14(3)
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Attachments	DUNES Notice of Cancellation.pdf(44576 bytes )
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Signature	/Christine Curtis/
Name	Christine Curtis
Date	02/04/2020



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

Registration No.: 1,177,304

Registration Date: Nov. 10, 1981

Mark: DUNES

PIPER AND DUNE LLC	Cancellation No. _____
Petitioner,	
v.	
ONEIDA LTD.	
Registrant	

**PETITION TO CANCEL**

PIPER AND DUNE LLC (“Petitioner”), believes that it is being damaged by the continued registration of US Trademark Registration No. 1,177,304 owned by ONEIDA LTD. (“Registrant”) for the mark DUNES (the “Registration”), and hereby petitions to cancel the same. As grounds for its Petition to Cancel, Petitioner alleges the below:

1. Petitioner is a limited Liability Company formed in the State of Connecticut, with a business address at 55 Rocky Mountain Rd., Southbury CT 06488.
2. Petitioner has developed a product line in coffee mugs, and has applied for PIPER AND DUNE under US Trademark Application No. 88/332,215 for use with “Coffee Mugs” in class 021:



3. US Trademark Application No. 88/332,215 for PIPER AND DUNE has been refused for registration by the Trademarks Office due to a likelihood of confusion with Registrant's mark DUNES.
4. Registration for DUNES has received Registration Number 1,177,304, and registered on Nov. 10, 1981.
5. The Registration is registered in association with a variety of goods in class 021, namely "Ceramic Products Used for Food Service-Namely, Cups, Plates, Dishes, Bowls and Mugs"
6. Petitioner has been harmed and will be harmed by the continued registration of the Registration, in that Petitioner's trademark application is refused by the Trademarks Office based on a likelihood of confusion with the Registrant's mark DUNES.
7. On information and belief, Registrant's mark is not in use in commerce for the listed goods, and has not been in use in commerce for a substantial amount of time.
8. On information and belief, the goods listed in association with the Registration are overbroad in relation to any use of the mark in commerce.
9. If the Registration is continued to be registered, it will be a source of impairment and injury to Petitioner's rights and prospective trademark filings.
10. Accordingly, Petitioner would be damaged by the continued registration of Registration No. 1,177,304, which should be cancelled in its entirety based on lack of continued use of the mark in commerce.

WHEREFORE, Petitioner prays that Registration No. 1,177,304 be cancelled, with

prejudice, that this Petition to Cancel be sustained in Petitioner's favor, and for such other and further relief as the Board deems just and proper.

Petitioner hereby appoints Nyall Engfield as its representative upon whom notices and process in proceedings affecting this proceeding may be served.

Respectfully submitted,

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PIPER AND DUNE LLC

Dated: January 20, 2020

By its attorney,

/s/ Nyall Engfield  
Calstrat Law Group  
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